

2 PAGES

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Attorneys for
 Wells Fargo Vendor Financial Services, LLC

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re:

TULARE LOCAL HEALTHCARE DISTRICT
 dba TULARE REGIONAL MEDICAL
 CENTER,

 Debtor.

Case No. 17-13797-B-9

Chapter 9

DC No: BPC-001

**ORDER APPROVING STIPULATION
 TO CONTINUE HEARING ON MOTION
 FOR ORDER (A) COMPELLING
 ASSUMPTION OR REJECTION OF
 EQUIPMENT LEASES AND (B)
 DIRECTING PAYMENT OF POST-
 PETITION ADMINISTRATIVE RENT
 OR, ALTERNATIVELY,
 (C) TERMINATING THE AUTOMATIC
 STAY**

Current Date: August 2, 2018
 Time: 9:30 a.m.
 Dept: B

Continued Date: October 25, 2018
 Time: 9:30 a.m.
 Dept: B
 Place: Courtroom 13, 5th Floor
 2500 Tulare Street
 Fresno, CA 93721

BUCHALTER

DN-22600651v2

RECEIVED

July 31, 2018

CLERK, U. S. BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
 0006329718

ORDER APPROVING STIPULATION TO CONTINUE HEARING ON MOTION FOR ORDER (A) COMPELLING
 ON OR REJECTION OF EQUIPMENT LEASES AND (B) DIRECTING PAYMENT OF POST-PETITION ADMINISTRATIVE RENT OR,
 ALTERNATIVELY, (C) TERMINATING THE AUTOMATIC STAY – CASE NO. 17-13797-B-9

1 The Court having read and considered the *Stipulation to Continue Hearing on Motion for*
2 *Order (A) Compelling Assumption or Rejection of Equipment Leases and (B) Directing Payment*
3 *of Post-Petition Administrative Rent or, Alternatively, (C) Terminating the Automatic Stay*
4 entered into by and between Wells Fargo Vendor Financial Services, LLC (“WFVFS”), on the
5 one hand, and Tulare Local Healthcare District dba Tulare Regional Medical Center (the
6 “Debtor,” and together with WFVFS, the “Parties”), on the other hand, by and through their
7 counsel of record, and filed with the Court on July 30, 2018, at Docket No. 621 (the
8 “Stipulation”), and good cause appearing to approve the Stipulation without a hearing,

9 IT IS HEREBY ORDERED that:

- 10 1. The Stipulation, attached hereto as Exhibit A, is approved.
- 11 2. The hearing on WFVFS’s *Motion for Order (A) Compelling Assumption or*
12 *Rejection of Equipment Leases and (B) Directing Payment of Post-Petition Administrative Rent*
13 *or, Alternatively, (C) Terminating the Automatic Stay* (the “Motion”) shall be continued to
14 October 25, 2018 (the “Continued Hearing Date”), at 9:30 a.m.
- 15 3. WFVFS’s time to file written reply to the Debtor’s opposition to the Motion is
16 extended to seven (7) days before the Continued Hearing Date.

17 ###

18
19
20 Dated: Aug 01, 2018

By the Court


21
22 
23 René Lastreto II, Judge
24 United States Bankruptcy Court
25
26
27
28

EXHIBIT A

1 **3 PAGES**
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 17 Wells Fargo Vendor Financial Services, LLC

18 **UNITED STATES BANKRUPTCY COURT**
 19 **EASTERN DISTRICT OF CALIFORNIA**
 20 **FRESNO DIVISION**

21 In re:

22 TULARE LOCAL HEALTHCARE DISTRICT
 23 dba TULARE REGIONAL MEDICAL
 24 CENTER,

25 Debtor.

Case No. 17-13797-B-9

Chapter 9

DC No: BPC-001

**STIPULATION TO CONTINUE
 HEARING ON MOTION FOR ORDER
 (A) COMPELLING ASSUMPTION OR
 REJECTION OF EQUIPMENT LEASES
 AND (B) DIRECTING PAYMENT OF
 POST-PETITION ADMINISTRATIVE
 RENT OR, ALTERNATIVELY,
 (C) TERMINATING THE AUTOMATIC
 STAY**

Current Date: August 2, 2018
 Time: 9:30 a.m.
 Dept: B

Requested Date: October 25, 2018
 Time: 9:30 a.m.
 Dept: B
 Place: Courtroom 13, 5th Floor
 2500 Tulare Street
 Fresno, CA 93721

1 Wells Fargo Vendor Financial Services, LLC (“WVFS”), on the one hand, and Tulare
2 Local Healthcare District dba Tulare Regional Medical Center (the “Debtor,” and together with
3 WVFS, the “Parties”), on the other hand, by and through its undersigned counsel, enter into this
4 *Stipulation to Continue Hearing on Motion for Order (A) Compelling Assumption or Rejection of*
5 *Equipment Leases and (B) Directing Payment of Post-Petition Administrative Rent or,*
6 *Alternatively, (C) Terminating the Automatic Stay* (the “Stipulation”). In support hereof, the
7 Parties represent as follows:

8 **RECITALS**

9 A. On September 30, 2017 (the “Petition Date”), Tulare Local Healthcare District,
10 dba Tulare Regional Medical Center (the “Debtor”) commenced its Chapter 9 case.

11 B. Prior to the Petition Date, the District entered into certain agreements (the
12 “Equipment Leases”) with General Electric Credit Corporation (“GECC”) to lease certain office
13 equipment (the “Equipment”) as more particularly described in WVFS’s *Motion for Order (A)*
14 *Compelling Assumption or Rejection of Equipment Leases and (B) Directing Payment of Post-*
15 *Petition Administrative Rent or, Alternatively, (C) Terminating the Automatic Stay* (the
16 “Motion”).

17 C. WVFS is the successor in interest to GECC, and, thus, the lessor under the
18 Equipment Leases.

19 D. On June 29, 2018, WVFS filed the Motion, thereby seeking an order requiring
20 the Debtor to assume or reject the Equipment Leases by a date certain pursuant to section 365 of
21 the Bankruptcy Code and directing payment of post-petition administrative rent, or, alternatively,
22 terminating the automatic stay to allow WVFS to repossess the Equipment. A hearing on the
23 Motion has been scheduled for August 2, 2018, at 9:30 a.m. (the “Hearing”).

24 E. On July 19, 2018, the Debtor filed its written opposition to the Motion (the
25 “Opposition”).

26 F. On July 19, 2018, the Debtor also sought, and thereafter obtained, an order
27 shortening notice on its motion for authority to, among other things, borrow funds, sell personal
28 property and provide security, assume and assign certain contracts and leases, and to lease real

1 property to a third party (the "Sale Motion"). On July 20, 2018, the Debtor gave notice (the
2 "Notice of Potential Assumption and Assignment") to certain contract counterparties, including
3 WFFVS, regarding the potential assumption and assignment of certain unexpired leases and
4 executory contracts, including the Equipment Leases, to third party Adventist Health.

5 G. To allow the Parties time sufficient to resolve any disputes they may have relative
6 to the Sale Motion, and because the ultimate ruling on the Sale Motion may render WFFVS's
7 Motion moot, the Parties have agreed to continue the Hearing on the terms and conditions set
8 forth herein, subject to Court approval.

9 **STIPULATION**

10 **NOW THEREFORE**, the Parties hereby stipulate and agree as follows:

11 1. The Hearing shall be continued to October 25, 2018, at 9:30 a.m., or such date and
12 time thereafter that is convenient to the Court (the "Continued Hearing Date").

13 2. WFFVS's time to file written reply to the Opposition shall be extended to seven
14 (7) days before the Continued Hearing Date.

15 3. This Stipulation may be executed in one or more separate counterparts, and
16 signatures by facsimile or electronic mail shall be deemed as originals.

17 DATED: July 30, 2018

BUCHALTER
A Professional Corporation

19 By: /s/ Jeannie Kim

20 JEANNIE KIM
Attorneys for Movant
21 Wells Fargo Vendor Financial Services, LLC

22 DATED: July 30, 2018

WALTER WILHELM LAW GROUP
A Professional Corporation

24 By: 

25 RILEY C. WALTER
26 KATHLEEN D. DEVANEY
27 DANIELLE J. BETHEL
Attorneys for Debtor
28 Tulare Local Healthcare District, dba Tulare
Regional Medical Center